

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LEON LEE MEYERS,

Plaintiff,

v.

SCOTT KERNAN, et al.,

Defendants.

No. 1:22-cv-0539-ADA-SAB (PC)

AMENDED ORDER ADOPTING  
FINDINGS AND RECOMMENDATIONS

(ECF Nos. 30, 33)

Leon Lee Meyers (“Plaintiff”), a state prisoner, is proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On June 2, 2023, the Findings and Recommendations issued on January 26, 2023, were adopted in full. (ECF No. 33.) The Court’s June 2, 2023, order inadvertently noted that Plaintiff stated a cognizable conditions of confinement claim for exposure to COVID-19 against Defendants Espitia, Magdaleno, Nitescu, Ledbetter, and Contreras. (ECF No. 33, at 1, 3.) However, the Findings and Recommendations found that Plaintiff stated a cognizable conditions of confinement for exposure to COVID-19 against only Defendants Espitia, Magdaleno, and Nitescu. As stated in the Court’s June 2, 2023, order, after *de novo* review the Findings and Recommendations are supported by the record and by the proper analysis. (ECF No. 33 at 2.)

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Accordingly,

1. The Court's June 2, 2023, is AMENDED to reflect that Plaintiff states a cognizable conditions of confinement claim for exposure to COVID-19 against Defendants Espitia, Magdaleno, and Nitescu; and
2. Defendants Contreras and Ledbetter should be dismissed from the action for failure to state a cognizable claim for relief.

IT IS SO ORDERED.

Dated: June 7, 2023

  
UNITED STATES DISTRICT JUDGE